

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:23-cr-072

v.

Hon. Jane M. Beckering  
United States District Judge

D'MARCO WILLIAM BROWN,

Defendant.

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**DEFENDANT'S MOTION FOR ENDS OF JUSTICE  
CONTINUANCE AND BRIEF IN SUPPORT**

Mr. D'Marco William Brown, through his undersigned counsel, Parker Douglas of the Office of the Federal Public Defender, hereby moves this Honorable Court for at least a 30-day ends of justice continuance of the final pretrial conference and jury trial dates. This is Mr. Brown's first request. He requests this continuance pursuant to 18 U.S.C. § 3161(h)(7)(A) and Local Criminal Rule 23.1 of the Local Rules of Practice and Procedure for the United States District Court for the Western District of Michigan. The Assistant United States Attorney in this matter, Mr. Joel Fauson, does not oppose this request for an extension of time.

**Brief in Support**

Mr. Brown was charged by indictment on June 27, 2023, with three counts of distribution of methamphetamine. On August 7, 2023, Mr. Brown appeared before the Court for his first appearance, arraignment, and initial pretrial conference

hearings. Mr. Brown was released on bond pending trial in this matter.

The final pretrial conference is currently scheduled for October 3, 2023, and the jury trial is currently scheduled for October 10, 2023. Counsel is now requesting at least a 30-day continuance of those dates for the reasons stated.

Counsel has been reviewing diligently this matter and the discovery provided by the government, as well as conducting independent background investigation into the facts of this case. The discovery consists of several reports, multiple search warrants, audio recordings, photos, and phone extractions. The parties have also been in communication regarding a potential resolution of this matter in lieu of trial. Counsel believes that in order to effectively represent Mr. Brown, more time is needed to conduct further investigation and meet with his client to carefully explain his legal options. It has been time-consuming walking Mr. Brown through discovery and possible resolutions to this case, and this is the primary request for this extension. The extension of time will provide counsel with sufficient time to continue communicating with his client and also to further develop the facts in this case to reach a negotiated resolution, or in the alternative, prepare for trial. Counsel is unaware of any undue prejudice to the government that would result from this extension of time.

The authority to exclude time from the running of the 70-day period within which a defendant must be brought to trial granted to courts by 18 U.S.C. § 3161(h)(7)(A) offers “wide latitude to the judges. It allows the courts to respond to the needs of individual cases.” *United States v. White*, 985 F.2d 271, 275 (6th Cir.

1993).

Mr. Brown submits that a continuance is necessary and that the ends of justice would be served if a continuance was granted. Finally, Mr. Brown states that a continuance is both reasonable and for good cause. Mr. Brown understands that he has a right to a speedy trial pursuant to 18 U.S.C. § 3161. Mr. Brown is aware of the filing of this matter and a Consent to Adjournment will be filed separately upon receipt.

WHISEFORE, Mr. Brown respectfully requests that this Honorable Court grant this request for at least a 30-day ends of justice continuance of the final pretrial conference and jury trial dates.

Respectfully submitted,

SHARON A. TUREK  
Federal Public Defender

Dated: September 6, 2023

/s/ Parker Douglas  
PARKER DOUGLAS  
Assistant Federal Public Defender  
Office of the Federal Public Defender  
50 Louis, NW, Suite 300  
Grand Rapids, Michigan 49503  
(616) 742-7420